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U.S. Serial No. 09/468,752

Claims 1-23 are pending in the application. In the Office Action mailed July 15, 2002, the Examiner rejected claims 1-23 under 35 U.S.C. §103(a) as being unpatentable over Hinh et al. (USP App. Pub. No. 2001/0042026). In addition, claims 1-23 were rejected under 35 U.S.C. §103(a) as being unpatentable over Westrope et al. (USP 5,968,110). Applicant appreciates the Examiner's withdrawal of the previous rejections.

The Examiner rejected claims 1-23 as obvious over a single reference -- Hinh et al. The Examiner asserted that "Hinh illustrates a secure interactive method of screening a potential customer for the purchase of a product via a computer database" based on credit worthiness. The Examiner concluded that "to issue an account number after credit worthiness is established would have been obvious to one of ordinary skill in the art." Hinh et al. discloses an internet purchasing system including an address verification and determination as to whether sufficient funds are present in the customer's provided account, both of which are consistent with a common credit check. Hinh et al. further states that only after "the customer chooses to complete the purchase...a check is made of the customer's account information." Hinh et al. at ¶23. Applicant respectfully believes that the Examiner has erroneously considered that which is claimed as equivalent to Hinh et al.'s credit worthiness check.

While Hinh et al. discloses a program to implement its system, it can be readily ascertained from the description and the accompanying codes that the program does not include two-tier screening but rather a simple login and, in conjunction with a finalized sale, a credit check. Hinh et al. teaches the use of "codes and routines...well known in the art" to verify a login and collect customer information. Hinh et al. at ¶19. Such a username and password login is consistent with e-commerce establishments, and Applicant does purport to have invented the username password-login concept. It is well known in the art that such a login is implemented in order to simplify the ordering process for the customer by reducing the amount of redundant customer information entered but does not entail a screening to determine qualification to purchase goods and/or services.

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Claim 1 calls for a method of screening potential customers through a two-tier method where the initial screening is conducted prior to even allowing the potential customer access to the automated seller facility and is followed by a second, more complete screening. In other words, the potential customer cannot access the online catalog or make a purchase unless the initial screening is passed.

As background, during the initial screening, numerous attributes of the customer are checked, including but not limited to, whether the customer is of a class that is permitted to participate in the sale (e.g. appropriate member of the healthcare community), the location of the potential customer, the completeness of the information, the potential of inconsistencies, and other attributes to be considered when determining if a potential customer is "qualified". Once a determination is made that the potential customer is qualified, a second and more complete screening is performed. Simply, only following a satisfactory completion of an initial screening to determine if the potential customer is qualified is a potential customer permitted to access the automated seller facility and the second more complete screening is conducted. Moreover, contrary to the typical username-password based login system, the "qualification" verification claimed is more involved than simply verifying the identity of the user or potential customer. That is, claim 1 calls for performing the initial screening of the potential customer "to determine whether the potential customer is qualified to purchase products/services from the seller..." Requiring a username and password is not a qualification check, it is only a registration process. According to the present invention, and as called for in claim 1, the technique of the present invention actually checks to see if the potential customer is qualified to purchase particular products/services from the seller.

Also, claim 1 states that while the potential customer is accessing the automated seller facility, a second and more complete screening is implemented. The last element of claim 1 states that the more complete screening is conducted "while" the potential customer has "further access to the automated seller facility to make an offer to purchase products/services from the automated seller facility..." Hinh et al. only discloses a username-password login and a credit check. Even assuming

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Hinh et al.'s credit check is a "more complete screening", it is performed only after a customer attempts to purchase a product.

In summary, it is noted that the initial screening called for in claim 1 is specifically "to determine whether the potential customer is qualified to purchase products/services from the seller..." A username and password are merely used to identify a pre-registered user -- not to see if that particular user is qualified to purchase products/services from the seller. Further, there is no suggestion in Hinh et al. to perform yet a more complete screening while the potential customer is given access to the automated seller facility to make an offer to purchase products/services. Examples of this second screening have been given as checking whether additional terms or comments have been added to the contract, whether the order size is exceeding a reasonable limit, if appropriate credit lines have been provided, whether the potential customer is included on a list of individuals and entities excluded from such purchases, if the product the customer is interested in is permitted within the geographical region of the customer, and other attributes associated with a complete screening.

Claim 12 calls for a program that requires an initial screening to be passed prior to access to the automated seller facility. Nowhere does Hinh et al. teach that the login information is used as a precursor to access to the catalog but rather it implies that the login is implemented in order to simplify the order process for the customer. Also, Annex D of '42026 teaches only an address verification. As such, Hinh et al., when referring to checking the customer's account information and referring to the codes contained in Annex D, is only referring to an address check. Hinh et al. at ¶23. Furthermore, Annex E of '42026 adds code to verify customer credit availability of the amount necessary to purchase the product but the codes disclose a check only equivalent to common credit check procedures. Claim 12 calls for issuance of an account number if the potential customer passes the initial screening, wherein the account number allows the potential customer to further access the automated seller facility. Hinh et al. does not disclose the issuance of an account number after an initial screening and before the completion of a more thorough screening as called for in claim 12. Claim 12 specifically calls for conducting a complete screening while simultaneously allowing the

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potential customer to place a product/service order. Even assuming that the initial screening called for in claim 12 could be a username and password, Hinh et al. does not disclose issuing an account number after the initial screening, and before the complete screening. Further, even if one were to assume that the complete screening could be a credit check, there is no disclosure or suggestion that the complete screening be conducted while simultaneously allowing the potential customer to place a product/service order. Hinh et al. discloses a credit card check after the potential customer places a product/service order.

The two-tier screening process presently claimed clearly defines over the common credit check implemented at the conclusion of the transaction process disclosed in Hinh et al. That is, Hinh et al. discloses a general login to a website but does not teach a first initiated screening followed by a second complete screening with the issuance of an account number therebetween. Accordingly, Applicant believes claims 1-23 are patentable distinct from the art of record.

Regarding the Examiner's rejection of claims 1-23 as being unpatentable over Westrope et al., Applicant respectfully disagrees with the Examiner's assertions. Westrope et al. does disclose a computerized catalog system. Westrope et al. discloses a customer telephonically calling a business exchange that will manually transfer the call to allow a data link between the customer's processing unit and the various business servers. Once the telephonic data link is established between the computers, the customer has immediate access to display various catalog-available products. Should the customer wish to purchase an item, Westrope et al. teaches the ability to handle purchase orders from the customer via a dedicated accounting and order processor. Col. 3, Ins. 52-59. Westrope et al. also discloses that the order is handled by electronically implementing typical "mail order processing procedures", which include a credit check. Col. 3-4, Ins. 63-2.

Again, claim 1 calls for a method of screening potential customers through a two-tier method where an initial screening is conducted and an account number issued prior to allowing the potential customer access to the automated seller facility and is then followed by a second, more complete screening. Unlike Westrope et al. where a customer is granted immediate access to the online catalog,

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in the claimed invention, no potential customer can gain access to the automated seller facility without first passing the initial screening. The only screening disclosed by Westrope et al. is in conjunction with common mail order processing procedures at the conclusion of an order, which cannot be compared to the extensive two-tier screening called for in claims 1-23. Also, assuming arguendo that Westrope et al. discloses issuance of an account number in conjunction with an established order, the account number does not serve to represent that a potential customer has previously passed the first of a two-tier screening system. An account number issued in conjunction with that taught by Westrope et al. would only apply to a previously completed order. Additionally, the prior art of record does not teach, nor suggest, the issuance of an account number allowing the potential customer access to the automated seller facility while the automated seller facility performs a more complete screening, as called for in claim 1. In addition, while username and password could be regarded as an initial screening, it is not an initial screening to determine whether the potential customer is qualified to purchase products/services from the seller, as also called for in claim 1. As for claim 12, the prior art of record does not teach, nor suggest, conducting a more complete screening while simultaneously allowing the potential customer to place a product/service order, and the issuance of an account number between the performance of an initial screening and before a more complete screening is conducted.

Additionally, Applicant does not dispute that "it appears that to complete Westrope's sale an account number is opened" as opined by the Examiner. However, Westrope fails to teach or suggest issuance of an account number prior to completion of a purchase for goods/services. Applicant agrees that it is commonplace to issue an account number once a sale is complete, but the art of record neither teaches nor suggests issuance of an account number before a sale is complete. Moreover, the art fails to teach or suggest issuance of an account number following an initial screening to thereby allow a potential and qualified customer to purchase goods/services while a second, more complete screening is performed.

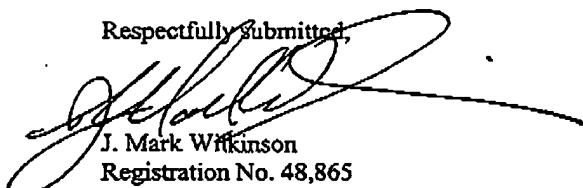
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Therefore, in light of the foregoing, Applicant respectfully believes that the present application is in condition for allowance. As a result, Applicant respectfully requests timely issuance of a Notice of Allowance for claims 1-23.

Applicant appreciates the Examiner's consideration of these Remarks and cordially invites the Examiner to call the undersigned, should the Examiner consider any matters unresolved.

Respectfully submitted,



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Dated: September 16, 2002
Attorney Docket No.: Old: GEM-30890
New: GEMS8081.028

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